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**REGULAR MEETING OF THE GREENBELT CITY COUNCIL  
held February 28, 2005.**

Mayor Davis called the meeting to order at 8:00 p.m.

ROLL CALL was answered by Councilmembers Konrad E. Herling, Edward V.J. Putens, Rodney M. Roberts, and Mayor Judith F. Davis. Councilmember Leta M. Mach was unable to return from out of town because of the weather.

ALSO PRESENT were Michael P. McLaughlin, City Manager; Robert A. Manzi, City Solicitor; David E. Moran, Assistant City Manager; and Kathleen Gallagher, City Clerk.

Mayor Davis asked for a moment of silence in honor of residents Elda Louise Ciatto and Marian D. ("Dottie") Teske. The Mayor then led the pledge of allegiance to the flag.

CONSENT AGENDA: Mayor Davis requested that the minutes of the regular meeting of February 14, 2005, be removed from the consent agenda. It was moved by Mr. Putens and seconded by Mr. Herling that the consent agenda be approved with that change. The motion passed 4-0.

Council thereby took the following actions:

**MINUTES OF COUNCIL MEETINGS**

- Interview, February 23, 2005

Approved as presented.

**COMMITTEE REPORTS**

Board of Elections, Report #05-2 (Early Voting): Council received this report and agreed to consider it on the agenda of the March 14, 2005, regular meeting.

RESIGNATION FROM ADVISORY GROUP: Council accepted with regret Sonja Nielsen's resignation from the Arts Advisory Board.

REAPPOINTMENT TO ADVISORY GROUP: Council appointed Shalom Fisher to a new term on the Recycling & Environment Advisory Committee.

APPOINTMENT TO ADVISORY GROUP: Council appointed Denna Lambert to the Senior Citizens Advisory Committee.

APPROVAL OF AGENDA: The agenda was approved as presented on a 4-0 vote.

PRESENTATION: Because of the weather, the scheduled presentation on the Community Emergency Response Team (CERT) program was cancelled for tonight.

PETITIONS AND REQUESTS: None.

MINUTES OF COUNCIL MEETINGS - February 14, 2005: Under the topic of pending state and county legislation, Mayor Davis pointed out that the summaries of the discussion and voting on House Bills 272 and 307 had been reversed. With that revision to be made by the Clerk, it was moved by Mr. Herling and seconded by Mr. Putens that the minutes of this regular meeting be approved. The motion carried 4-0.

#### ADMINISTRATIVE REPORTS

Mr. McLaughlin announced that Laverne Logan had been hired as the new service coordinator for Green Ridge House under the Department of Housing and Urban Development matching grant. He said the City had submitted the Greenbelt Assistance-in-Living Program for a Maryland Municipal League Award of Excellence. He announced that the groundbreaking for the new postal facility in Greenbelt East had occurred earlier today. He said it had taken eight or nine years to get to this point, and he remarked on how unusual it was for a City Council to make this much effort to facilitate construction of this type of facility. He also credited Congressman Steny Hoyer for his work to acquire funding for the project and to speed the permitting process along. Council also thanked Mr. McLaughlin, other staff, and Mr. Manzi for all their work in bringing this favorable result about.

Mayor Davis announced having made her last classroom visits for the Maryland Municipal League's (MML) "If I Were Mayor" contest on February 23 at Greenbelt Elementary School. On February 25, as chair of the board for the Metropolitan Washington Council of Governments, she attended their first annual animal services awards. She commented on information given at a recent meeting of the Prince George's County Municipal Association on auto theft. She also presented information from a recent MML Legislative Committee. Mayor Davis also offered congratulations to Sandi Dutton, who is serving as National President for the American Legion Auxiliary this year and will be honored at a homecoming event over the weekend.

Mr. Herling noted on an article in the Washington Post regarding anticipated staff cuts at a number of NASA sites, including Goddard.

LEGISLATION: None.

REQUEST FOR PURCHASE OF FIRE EQUIPMENT: Mayor Davis read the agenda comments. Fire Chief Brian Rudy, President Chris Fleshman, and Vice President Jay Remenick appeared on behalf of the Greenbelt Volunteer Fire Department and Rescue Squad, Inc. Chief Rudy said he wanted to let the City know that he had entered into a contract with a company to build a fire truck. In the past, this work has been split between two contractors, with the result that an interim payment was due. This time, one company will do all the work, and the full bill of about \$391,000 will fall due in September or October. Mr. Remenick said they will be selling their old engine #352, and they anticipate that the proceeds will make up the difference between the available funds and the cost of the new engine. In response to a question from Mr. Putens, Chief

Rudy said all the equipment except the ambulance belongs to the squad and that they hope to buy their own ambulance in 2007. Mr. Putens commented on the value of having ownership in the City, since that way the equipment cannot be transferred by the county. The Chief added that it was also very important to them to have control over selection of the vendor. The Mayor thanked them for coming to let Council know of the purchase.

**GREENBELT EAST TRAFFIC-CALMING PLAN:** The Mayor read the agenda comments. Celia Craze, Director, Planning and Community Development, highlighted the changes made in the plan since its first presentation, as a result of the public hearing and various meetings with homeowner groups. She said the plan to stripe Hanover and Mandan into two travel lanes north of Greenbelt Road had been dropped in response to citizen comment, as had plans for speed humps and a traffic circle on Craddock Road. She said the work would result in a continuous sidewalk on the west side of Hanover Parkway from Greenbelt to Good Luck Roads. Walking on the east side of Hanover will continue to require using the Schrom Hills path.

She said information from the Police Department indicates that traffic accidents at the Hunting Ridge roundabout are down in number and have become the less serious types of accidents, which is what the roundabout is designed to achieve. She said the Fire Department did not have clear guidelines but rather evaluated traffic-calming structures on a case-by-case basis. Staff proposes to complete the measures other than the speed humps approaching the circles; after the impact on speed of those changes is evaluated, it can be determined if the humps are needed or not.

With regard to the pedestrian and bicycle concerns raised at the public hearing about such matters as storm drains and ramps, Ms. Craze said that all of them were being addressed except that the preferred design does not include adding bike lanes on roundabouts and that these would be shared roads. Mr. Roberts asked if there would be enough room to expand the sidewalks to accommodate both pedestrians and bikes. Ms. Craze said there were too many conflicts with utility poles, that in some places there is only a four-foot width for the sidewalks now, and that at the Hunting Ridge roundabout widening the sidewalk would mean going into Hunting Ridge property. She added that having bikes and pedestrians share the same roadway is not advisable either. Mayor Davis commented that it is not always possible to resolve all problems or reconcile all conflicting needs. Mr. Putens added that he appreciated Ms. Craze's efforts in balancing and dealing with so many of the concerns since the matter is very complicated. Mr. Roberts made a motion that the City Council approve the revised traffic-calming plan for Greenbelt East and authorize staff to proceed with construction this spring. Mr. Herling seconded the motion, which passed 4-0.

**PENDING STATE/COUNTY LEGISLATION:** The Mayor read the agenda comments for each of the following items:

**House Bill 4 – Land Preservation and State Asset Protection Act:** After brief discussion of whether this bill would close all the targeted loopholes, it was moved by Mr. Putens and seconded by Mr. Herling that Council support HB 4 and convey this position to the City's delegation. The motion passed 4-0.

House Bill 107 – Election Law – Voting Systems – Verification and Accessibility and Senate Bill 9 – Election Law – Voting Systems – Voter-Verified Paper Records: Mayor Davis asked Ruth Kastner, 125 Hedgewood Drive, to address Council about her request for support for these bills. Ms. Kastner said her concern is that the bills being cosponsored by Senator Pinsky and Delegate Healey “have no teeth” because they would allow for methods of verification other than a voter-verified paper trail (VVPT). She said that Maryland State Law requires an independent audit trail and that in her opinion only a VVPT provides such an independent audit. She said only HB 107 and SB 9 would provide a true audit trail and fulfill existing state law. She said the fall election was not conducted in accordance with state law. She said there is no longer a problem with the visually impaired not having access to the paper trail, since at least in the proposed House Bill, provision would be made for a non-visual method of electronic verification for those voters. As to the costs, Ms. Kastner said there would be costs associated with any verification method, and that the important thing was that elections must be brought into compliance with state law.

Mayor Davis asked Ms. Kastner to define what she meant by an independent audit by paper trail. She asked if Ms. Kastner meant that individual voters should be able to verify their own votes on a paper ticket? Ms. Kastner said one technology was that the voter could view a piece of paper that would automatically be dropped into a locked box. Mayor Davis said the existing state machines do produce a paper audit trail. Ms. Kastner said that record is not voter-verified and does not permit the voter to be sure the vote was recorded as cast. Mayor Davis asked if the VVPT would slow down the voter process. Ms. Kastner said it should not slow the process down appreciably. The Mayor asked what would happen if the voter found a discrepancy, and there was further discussion of whether or not any claim by any voter of a discrepancy could then invalidate all the votes cast previously on that machine or not. Mayor Davis said an issue raised by the League of Women Voters was if the machine could be maliciously programmed to show a different name on the screen than was being tallied for the count, it would be equally possible to program the machine to show the same deception on the paper tape. Ms. Kastner said that was one reason that an audit of some percentage of the votes was required—to be sure that what the machine was counting and what the VVPTs said were the same. She added that if there was a question, it would still be possible to do a recount from the VVPTs.

Mayor Davis said that she had heard Senator Pinsky present on this subject before and that the issue was very complex. She said she appreciated that people want their votes to count and to be counted correctly but that she was concerned about tuning it so finely that it would become prohibitively cumbersome and expensive. Ms. Kastner said it was not really that complicated and was required by state law. She said she did not think its being complicated should cause a delay in action. Mayor Davis agreed but said she thought many people thought there was an easy fix, whereas in fact there would be many new questions and issues added by attaching a VVPT, such as where the paper would be stored, how and by whom it would be counted, and the fact that hand counting paper ballots was prone to a higher level of error.

Mr. Roberts said he thought these two bills were proposing what all the voters should be demanding. He said there was no reason why it should cost any more than the machines currently in use and that the technology already exists. He said he had seen a report on a very simple system in use now that the voter hand-carried to deposit into a

box. He said because it was printed, it would not carry the ambiguity of ballots written by the voter, but it would provide a written back-up. He said he thought part of the problem was that there were two few vendors competing to produce a good product.

Mr. Herling said the cost of the \$26 million cited as a reason not to go forward with this needed to be weighed against the cost to society of not being able to authenticate the vote. He said he thought strong measures were needed to correct the potentially inaccurate system we have now.

In response to a question from Mr. Herling, Rebecca Wilson, a resident of Hyattsville representing TrueVoteMD, said Nevada was using such a system. Ms. Wilson said the state administrator of elections is very opposed to a VVPT and has put every possible cost into the fiscal note in order to discourage it. She said last year an identical bill had only a \$16 million fiscal note. Ms. Wilson said the election administrator has buried the cost of 5,000 new DREs in this fiscal note because she says it will take that much extra time for voters to vote; she said she thought these machines are probably needed anyway and that "this is a way to get them without making her look bad." Ms. Wilson said she had served as a chief judge in the November elections and, in her precinct, they had two more votes register on the machines than they had voters for. She said she could only guess that these were the result of machine crashes. Ms. Wilson speculated that Maryland had bought a "bad system" and that the best method of voting is optical scanning; she said she thought it would probably be cheaper for the state to cancel the Diebold contract and bring back optical scanning equipment instead. Mayor Davis said there have been problems found with optical scanning equipment, too. Ms. Wilson said there are numerous studies of voting accuracy that indicate optical scanning methods are most reliable and cheapest.

Mr. Putens agreed with Mr. Roberts that there are already-existing machines to permit the VVPT and that the technology is not that complicated. He said a method whereby the voter places the paper by hand into a nearby box is not that expensive. He said there is an expense issue for small cities. He said Americans have fought and died for their voting rights and that it is critical to secure those rights. He said he would support anything to make sure that there is an audit trail of some kind.

Mr. Herling asked if any of these bills put the burden of the cost on the municipality. Mayor Davis said the burden would be on the state.

Ms. Wilson said the bills endorsed by Delegate Healey and Senator Pinsky both give the state administrator of elections the option of exploring verification alternatives other than VVPTs. She said she thought that was a way of appearing to mitigate the costs, though those methods would also involve costs. In Ms. Wilson's opinion, none of the options to be explored under those bills have been tested at all, including video snapshots and an elaborate cryptographic scheme, which she said the administrator of elections is leaning toward. Ms. Wilson said she believed that the reason Maryland "is in the mess it is in" is because it adopted an untried technology. She said had the state waited, it would have been apparent that its judgment was incorrect that DREs were superior to the optical scanning methods that had been previously used.

Mayor Davis expressed surprise that Senator Pinsky would be backing one of the bills not requiring a VVPT since he had been in the forefront of thinking on this. Ms. Wilson

stated her understanding that he had supported the bill requiring a VVPT that was introduced last year. She said she had talked with him recently and that he said he was rethinking the position he had taken this year. She said he was asked by the sponsor to sign on to SB 63 and agreed because it involved voter verification, but that he had not really examined the bill. Mayor Davis said she was glad to know this, since she had wondered why he did not support SB 9.

Mr. Roberts asked what the life of the machines was expected to be. Ms. Wilson said they estimate a 7% replacement per election cycle. She said that, speaking as an election judge, they had a lot of problems with these machines, and she thought they would require replacement more frequently than projected. She added that one of the ways the administrator of elections "built costs into the fiscal note in order to undermine the bill" was by including storage and maintenance costs for printers and similar costs. In response to a question from Mr. Roberts, there was discussion of why the state would choose to add a printer to the existing equipment rather than acquire new equipment containing the printer. In response to a question called out from the audience, Ms. Wilson identified the state administrator of elections as Linda Lamone.

Ms. Wilson also spoke in support of the "early voting" bill that had been introduced. She did note, however, that one plan was to allow people to vote at any polling place, thereby eliminating the need for the paper voter authority card, which would eliminate another safeguard. Mayor Davis commented that an underlying problem was the lack of accuracy of the voter registration list. She said she appreciated the work of the TrueVote organization, since a watch-dog group is needed to try to figure out what is going on and how the system can be improved. Ms. Wilson said the problem is that in Annapolis the main people who are providing information are the lobbyists for the voting machine companies, so it is not neutral information.

Hopi Auerbach, 14X Ridge Road, said she had not read the competing bills but had been told by others that SB9 and HB 107 are the only ones that require that the voter be able to do the verification.

Stephen Jascourt, 10-A Southway, said he had read all the bills. He said the bill co-sponsored by Senator Pinsky (SB 63) requires a machine to have the capability to do a VVPT but does not require that it be used. He said this bill also does not require an automatic independent audit be performed for every election. He said the bill co-sponsored by Delegate Healey (HB 80) does not require a VVPT but does require that a 2% sample be audited. He said SB 9 and HB 107 require that a VVPT be used to conduct an audit. Regarding the cost of upgrading the equipment, he said the same Diebold machines were in use in San Diego County when the California secretary of state implemented a requirement for a VVPT. He said when the county said it could not afford the cost of the upgrade, Diebold agreed to do the update for free, though Mr. Jascourt was not certain that had occurred. He said that in Maryland, however, material had been discovered either through court cases or by being stolen from the Internet indicating Diebold intended to charge the State of Maryland as much as possible for doing the same thing. He added that other companies would charge much less for the same capability.

Mayor Davis then invited Bertram Donn, 19 Woodland Way, to speak. Mr. Donn said that from what he had been reading in the newspaper since the election, it is clear that

something must be done. He said one problem is that the CEO of Diebold was a Bush supporter who made it clear he wanted to see Bush elected, which raised a question regarding whether the machines were really independent or not. He said he had asked earlier in the meeting who the Maryland administrator of elections was because in a number of states it had happened that the person in charge of elections had been active in the campaign of a candidate. He also cited an article he had read where it was described that somewhere a person had repeatedly pushed the button to try to vote for Kerry and had it register instead for Bush. He said the state needed to adopt legislation that would take care of these issues by providing an independent, verifiable count of the vote.

Mayor Davis said she appreciated the speakers' willingness to answer all the questions she had asked. Noting that the staff recommendation was to take the same position Council had taken last year, she asked if anyone would like to make a different motion. Mr. Roberts moved that Council support SB 9 and HB 107 and convey that support to the City's delegation. Mr. Putens seconded the motion, which passed 4-0

Senate Bill 735 – Visual Smoke and Evacuation Alarms: Mr. Roberts clarified that under this bill there would be no cap on what a condominium association would have to pay. There was discussion of what Mr. Pickering had wanted to do at Greenbriar and whether this bill would do that or not. Mr. Putens concluded that although there was a need to find a realistic solution to fire-safety problems for the hearing-impaired, this bill was not the answer. It was moved by Mr. Roberts and seconded by Mr. Herling that Council support the goal of Senate Bill 735 but not support the bill as currently drafted because of concerns regarding the extent of rewiring to be required and the need to limit financial impact on condominium associations. The motion carried 4-0.

MC/PG 121- Prohibition on Text Amendments in Residential Zones: Mayor Davis suggested adding the comment that the inordinate delays on revising master plans substantially contribute to the apparent need for text amendments to the zoning ordinance. Mr. Manzi spoke about the issues involved with text amendments and said what is really needed is a better way to handle them. Mr. Roberts pointed out that this bill is narrow in its focus and would prohibit only text amendments that would result in increased density in residential zones. He moved support for the bill conditional upon inclusion of the amendment proposed by the Prince George's County Municipal Association (to exclude from the prohibition those text amendments that have municipal support). Mr. Putens seconded the motion, which passed 4-0. It was also agreed to comment in the letter on the issue of the timeliness of the revision of the master plan.

The Mayor asked if the City would be writing to express concern about the cutting of CDBG funds. Mr. Moran staff intended to do so, since the City's position on this issue had been consistent and longstanding. Council directed staff to go ahead with this.

MEETINGS: Council reviewed the schedule of upcoming meetings. No one had any conflicts with the proposed budget work session schedule. It was moved by Mr. Putens and seconded by Mr. Herling that the two regular meetings in June be moved from June 13 and 27 to June 6 and 20. The motion carried 4-0. Pending consultation with Ms. Mach upon her return, it was agreed to hold the work session with the New Deal Café

as scheduled on March 7, an executive session on March 8, and a preliminary work session on the budget on March 16.

ADJOURNMENT: A motion to adjourn was made by Mr. Putens and seconded by Mr. Herling. The motion carried 4-0. The Mayor adjourned the regular meeting of February 28, 2005, at 10:30 p.m.

Respectfully submitted,

Kathleen Gallagher

City Clerk

"I hereby certify that the above and foregoing is a true and correct report of the regular meeting of the City Council of Greenbelt, Maryland, held February 28, 2005.@"

Judith F. Davis

Mayor